

Formal Review Process of Title 246 WAC

Reviewer: Ned Therien
Date: June 17, 2014

The following is a detailed summary of Chapter 246-500 WAC, Human Remains

Estimated Start Date: May 1, 2014
Start Date: May 15, 2014
Estimated Completion Date: June 20, 2014
Completion Date: June 17, 2014

Future Review Date: 2019
Next Steps: None

Current Status of Review: Completed

1. Need – is there a need for this rule? Yes.

- Is the rule necessary to comply with authorizing statute? Yes.
- Is the rule necessary to receive federal funding? No.
- What problem/condition is the rule intended to address? Explain: Funeral directors, medical providers, and others handling human remains should take precautions when handling and transporting human remains to prevent inadvertent spread of infectious disease. The rule chapter also provides direction for issuing permits for transport of human remains and specifies local health officer authority to impose additional requirements to protect public health or suspend requirements in emergency situations.

2. Reasonable and Clear – is this rule clear, concise and reasonable? Yes.

- Is the rule written and organized in a clear and concise manner and is easily understood? Yes.
- Does the rule establish different requirements for different licensees or stakeholders? No. For example, does it establish different requirements for the private and public sector or large and small businesses? No.

3. Authority and Intent – Does the rule have statutory authority or meet the legislative intent? Yes.

- Is the statutory authority clear? Yes, but general.
- Is the rule consistent with the legislative intent? Yes.

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4. Stakeholder Coordination – How was the review coordinated? Internal/External/Both

- Was the review done:
 - By SBOH staff and external stakeholders
- Document how the review was done and what tools or methods were used. For example, survey, meetings with stakeholders, LEAN, etc? E-mail and telephone survey of stakeholder organization representatives identified from 2006 revision process, resulted in no reports of concerns or recommendations to change the Board's rules.

Organizations surveyed:

- Washington Funeral Directors Association
- Washington Cemetery, Cremation & Funeral Association
- Department of Licensing, Funeral & Cemetery Licensing
- Washington Association of Coroners & Medical Examiners
- People's Memorial Association
- Yakama Nation Office of Legal Council
- Colville Tribe Executive Director

5. Streamlining Identified – Can this rule be streamlined? Or are there other streamlining opportunities available? No

- Are there opportunities to eliminate a rule or a portion of a rule based on:
 - Outdated information or processes? No.
 - Sunset of statutory language? No.
 - Conflicting or unnecessary information? No.
 - Redundancy with other state or federal regulations? No.
 - Legislative changes that have occurred since the rule was created? No.
 - The objective can be achieved without it? No.
- Can the rule be revised to make it easier to understand or reduce ambiguity?
Not needed.
- Are there other opportunities to streamline efforts? For example, update information on the web, eliminate internal review processes, etc. No.

6. Reporting Requirements – Yes.

- Does the rule require individuals or entities to report information to the Board or Department of Health? Not to the Board or Department, but burial-transit permits must be obtained from local health officer or registrar of vital statistics per RCW 70.58.230.

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- Have the reporting requirements been streamlined? **No. Burial transit permits are governed by a separated statute.**

7. **Achieved Intended Results** – Yes.

- Does the rule achieve the results originally intended? Yes.

8. **Staff Conclusions** – Retain without change.

- Does the rule need to be repealed? No.
- Can the rule be retained without changes? Yes.
- Does the rule need to be amended? No.

Explain conclusion:

This chapter of rules is clear and imposes minimal burden on businesses, which mainly are funeral homes. The only mandatory reporting it imposes is to obtain a burial-transit permit from the local health officer or local registrar of vital statistics or file a notice of removal prior to transporting human remains between registration districts; however, this is required under RCW 70.58.230.